United Nations A/AC.109/2003/SR.7

General Assembly

Distr.: General
23 December 2003
English
Original: Russian

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 7th meeting
Held at Headquarters, New York, on Thursday, 12 June 2003, at 10 a.m.

Chairman: Mr. Huntley ..... (Saint Lucia)

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03-39502 (E)

The meeting was called to order at 10.30 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Requests for hearing (aides-memoires 12/03 to 14/03)

2. **The Chairman** drew attention to aides-memoires 12/03 to 14/03 in which there were a number of requests for hearing relating to the questions of the Falkland Islands (Malvinas), Anguilla and the Cayman Islands. If there were no objections, he would take it that the Committee wished to grant those requests.

3. *It was so decided.*

Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands (A/AC.109/2003/1, 2, 4, 5, 8, 9, 11-13, 15 and 16)

Hearing of a representative of a Territory

4. **The Chairman** informed the Committee that a representative of the Government of the United States Virgin Islands had requested that he be granted the opportunity to address the Committee on the agenda item under consideration. If there were no objections, he would take it that the Committee wished to accede to that request in accordance with established practice.

5. *It was so decided.*

6. **Mr. Corbin** (Government of the United States Virgin Islands) said that the creation of a system of political education in the Territories played an important role in their development process. The population of the Territories required reliable and unbiased information about the alternatives for political equality. The implementation of General Assembly resolutions on the facilitation of programmes of political education in the Territories in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options based on the principles clearly defined in General Assembly resolution 1541 (XV) was of critical importance.

7. It would be useful to ascertain the degree to which the dissemination of information on decolonization actually reached the people for which it was intended. It appeared evident that the information had not reached its intended audience. The process would be assisted if the Territories were included in the coverage of the United Nations information centres and also if the information on the decolonization web site was updated and expanded more frequently. Assistance should be provided to the Governments of Territories in formulating their own political education processes. The medium-term plan for the period 2002-2005 envisaged the promotion of a publicity campaign on decolonization, and he hoped that a comprehensive programme in that regard would be forthcoming by the end of that period.

8. An effective programme for disseminating information was especially important in that in many small Territories initiatives were under way to modernize their models of governance. The Committee might consider providing information on examples of those models currently in existence.

9. Implementation of the resolutions on decolonization was of crucial importance for a successful process leading towards the achievement of full internal self-government for the Territories. He shared the concern expressed regarding the lack of implementation of major provisions of the Plan of Action for the First and Second International Decades for the Eradication of Colonialism, especially the two analytical studies on the situation in the Territories themselves. If the United Nations was to carry out its mandate, the main emphasis had to be put on implementation of its resolutions on decolonization by the United Nations machinery.

10. In that connection, he applauded the inclusion in the resolution on small island States of the request to the Secretary-General to report to the General Assembly on the implementation of decolonization resolutions since the Declaration of the International Decade for the Eradication of Colonialism.

11. He commended the seminar the Committee had held in Anguilla. Its recommendations reaffirming many of the conclusions of previous seminars were of great importance. It was cause for satisfaction that the United Kingdom had participated in the work of the seminar.

12. The Committee should consider making a recommendation to the General Assembly that it simplify its name by changing it to "Special Committee on Decolonization". However, that should not mean any change in its mandate.

13. He suggested that the Committee should also consider recommending to the General Assembly that it change the title of the agenda item "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by specialized agencies and the international institutions associated with the United Nations" to "Assistance to the Non-Self-Governing Territories from the United Nations system".

14. **The Chairman**, referring to points made by the previous speaker, said that it had been agreed that representatives of the Committee would have a meeting with officials of the Department of Public Information in the near future. That meeting would be devoted to the presentation of information to the Non-Self-Governing Territories. As for changing the name of the Committee, the matter was already being dealt with and the Secretariat was preparing a draft resolution to be submitted to the General Assembly at its fifty-eighth session.

Hearing of petitioners

15. **The Chairman** reminded the Committee that earlier in its current session it had decided to grant a number of requests for hearing on the agenda item under consideration.

16. *At the invitation of the Chairman, Ms. Fleming-Banks (Anguilla National Trust) took a place at the petitioners' table.*

17. **Ms. Fleming-Banks** (Anguilla National Trust) thanked the Committee for having held the regional seminar on decolonization in Anguilla. The people of Anguilla had regarded it as recognition of their efforts to achieve self-determination. In 1967, when Anguilla's status had been that of a State associated with the United Kingdom, with full internal self-government, a referendum had been held in which the inhabitants of the island had voted for independence from Saint Kitts and had announced their intention to explore the status of associated statehood or another arrangement of freedom and local autonomy within the Commonwealth.

18. In 1975 Anguilla had gained its own Constitution as an Associated State, and that had been predicated on an agreement between the Government of the United Kingdom and the Government of Anguilla which had stipulated that the latter's further constitutional advance would be implemented in accordance with its own wishes. The cornerstone of that agreement had been the undertaking on the part of the Government of the United Kingdom to contribute to the development of Anguilla's economy, its social sector and its political institutions, with the objective of creating the necessary preconditions for achieving full self-government, which had been the aspiration of the people of Anguilla since time immemorial. The partnership relations between the Government of the United Kingdom and Anguilla had worked fairly well for some time.

19. However, in 1982 and 1990 changes had been made to the Constitution of Anguilla which were regressive rather than progressive in nature. The culmination of that regressive trend in Anguilla's constitutional arrangements had been the proposal contained in the so-called "Rifkind letter" regarding further retrenchment of the powers of the local arm of government and extension of the existing powers of the Governor. Anguillans believed that the spirit and intent of that letter remained valid. In the 1999 White Paper entitled "Partnership for Progress and Prosperity" (see annex to document A/AC.109/1999/1), the relationship between the Government of the United Kingdom and Anguilla had been defined as a "partnership based on self-determination".

20. According to the White Paper, the United Kingdom had reclassified its dependent Territories as "Overseas Territories", and without consultation had announced that Anguilla had opted to continue the constitutional link, thus implying that it had completed its colonial responsibilities by allowing Anguilla to exercise its right to self-determination. Within the framework of the Partnership Agreement, the United Kingdom had to "uphold the right of the individual Territories to determine their own future and to enjoy a high degree of autonomy and to exercise the greatest possible control over their own lives". However, subsequent events had given cause to question the commitment of the Government of the United Kingdom to such a "partnership" and its readiness to respect the fundamental rights of the people of Anguilla, in particular their right to self-determination.

21. Administration in the island was by Orders in Council, which ruled out any guarantees of respect for the population's fundamental rights. In spite of a promise to restore permanent status to a large part of the population which had lost it as a result of the changes in British citizenship laws, that had not been

done. Instead, the Government of the United Kingdom had granted a section of the population of Anguilla mandatory British citizenship, although that had been done without any consultation with the people of Anguilla. In fact a petition had been sent to the Prime Minister of the United Kingdom requesting that consideration of the bill be deferred until the people of Anguilla had studied all the implications of enforced British citizenship. However, so far no reply had been forthcoming.

22. Contrary to the spirit of partnership, the Government of the United Kingdom had imposed legislation upon Anguilla in the financial services sector. The tough legislation in force in Anguilla curtailed civil liberties and denied the full benefit of due process before the courts. Homosexuality had been decriminalized by an Order in Council without regard for the wishes of the people of Anguilla. The issue of reciprocity of the right of abode attendant upon the enforced British citizenship, which posed a threat to the security and survival of the cultural uniqueness and homogeneity of Anguillans as an island people, had not been resolved. Currently, the legislative powers of the Governor were being systematically expanded and the constitutional competence of the legislative body was being eroded, while the constitutional legislative authority was being subverted by executive legislative power.

23. The requirement that reports should be submitted to the human rights treaty bodies should serve as an additional guarantee that those rights would be observed. In Anguilla that duty was now vested in the Attorney-General, with the result that the mechanism for reporting had lost any effectiveness it might have had since it was precisely the State which was the violator of human rights. The inhabitants of Anguilla had no knowledge of what the reports contained, although they certainly knew that violations were being committed.

24. Whatever Anguilla was called — whether a colony, a British Dependent Territory or a British Overseas Territory — the essence of the relationship remained the same: a relationship characterized by the unequal exercise of authority by the administering Power over an administered Territory. The people of Anguilla viewed the relationship between Anguilla and the United Kingdom as essentially colonial and therefore fully within the purview of the Committee. One of the most important objectives now was fully to prepare the people of Anguilla to assume the responsibilities of constitutional advancement in preparation for the eventuality of political independence. "Partnership for Progress and Prosperity" had initiated a constitutional and electoral reform review, which should lead to a constitutional instrument tailored to the aspirations and will of the people of the Territory. However, the Government of the United Kingdom had cautioned that the reform proposals had to be formulated in the light of its own international obligations. The Committee must advise the Government of the United Kingdom that its overriding international obligation was to respect the right to self-determination.

25. Turning to the regional seminar, she said it had played an enormous educational role since it had enabled the people of Anguilla to gain information about all the self-determination options set out in General Assembly resolution 1541 (XV). She expected the Government of the United Kingdom to accept the results of the initiative for constitutional and electoral reform and to refrain from imposing any ultimatums that would in effect erode the Anguillan people's right to choose. In the interim, the existing partnership must be honoured. The highest priority must be given to human resources development and capacity-building, so that the rationale for expanding the powers of the Governor and his staff was removed. The Government of the United Kingdom had found it expedient to confer European citizenship on the people of Anguilla, and also intended to extend to Anguilla some of the international human rights agreements ratified by the United Kingdom. In that connection, she made reference to article 1.1 of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and to paragraph 2 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in which it was stated that all peoples had the right of self-determination and that by virtue of that right they freely determined their political status and freely pursued their economic, social and cultural development. The administering Power must now review its ratifications and reservations and other international agreements to ensure that the interests of all the citizens of Anguilla, and especially children's rights, were secured.

26. The responsibility of the administering Power must go further than merely satisfying the basic needs of the population, and must include preparing the

people for full independence in a world poised to harness all forms of knowledge to alleviate the economic situation and strengthen democracy. That meant preparing Anguilla for integration into the world economy in an era of globalization by establishing systems of good governance as a prerequisite for sustainable development; ensuring that the people of Anguilla were trained to participate in the negotiating process and benefit from the terms of the Cotonou Agreement, as well as the conditions imposed by the World Trade Organization and the Organisation for Economic Cooperation and Development; and preparing the people of Anguilla to participate fully in the regional integration movement without fear of losing the gains that had been fought for and without having norms imposed which were alien to Anguillan culture.

27. The people of Anguilla protested strongly against administration by Orders in Council, that required no discussion in a legislative body, since such Orders by their very nature denied the people of the Territory their much cherished right to self-determination.

28. Analysis of the experience of former Caribbean colonies had shown that they had been ill-prepared to undertake the responsibilities of sovereign States. That conclusion had compelled Anguilla to demand a strengthening of the obligations of the Government of the United Kingdom to enable Anguilla to determine an agenda and time frame for independence. She hoped that in the remaining years of the Second International Decade for the Eradication of Colonialism, Anguilla and the United Kingdom, with the Committee's assistance, would be able to invigorate the spirit of partnership and give their relationship a new character. That new relationship must be characterized by equity, transparency, accountability and trust.

29. The Committee, in turn, must give the inhabitants of the Territory opportunities for training and employment that would enable them to become familiar with the processes of effective governance. The peoples of the Overseas Territories must have the opportunity to take part in United Nations forums in their own right, as their interests did not always coincide with those of the European Union, of which the United Kingdom was a member.

30. In her opinion, in order to advance the process of eradication of colonialism, the Committee must establish a continued presence in the Territory. Anguillans were keen to maintain a dialogue with the Committee, and in that connection welcomed its current initiatives. It was gratifying that the Committee had promised to do more than merely inform, educate and pass resolutions on decolonization, and intended to play a more proactive role in promoting the decolonization process. In conclusion, she said that the discussions that had been held during the regional seminar had been of great importance to the people of Anguilla and had caught the attention of the administering Power. In its future activities, the Committee should capitalize on the successful outcomes of the seminar held in Anguilla. She urged that discussions should begin as soon as possible on existing constitutional frameworks, the information dissemination and educational programmes and visiting missions.

31. **The Chairman** noted with satisfaction that the Caribbean regional seminar held in Anguilla had produced such a response in the island. For its part, the Committee would adhere to the programme of work agreed on at the seminar.

32. **Mr. Ovia** (Papua New Guinea) wondered whether any work had been done in Anguilla on explaining the various self-determination options to the population. He also asked the petitioner to amplify what she had said about British citizenship.

33. **Ms. Fleming-Banks** (Anguilla National Trust) explained that in the White Paper, Anguilla had simply been given the choice between maintaining the status quo and independence. After the seminar, informal discussion had begun of the other options. There had so far been no official response from the administering Power, but unofficially the Anguillans had been given to understand that the free association option, for example, did not suit the United Kingdom. No educational work had been undertaken by the administering Power. In that regard the seminar had been very useful, and that included the fact that a British representative had been present, and in his own words had learned at first hand the real views of Anguillans on the self-determination options.

34. As for the question of citizenship, the British representative had said at the time of the seminar that the United Kingdom had already given maximum guarantees with regard to granting British citizenship, including the question of reciprocity. She pointed out, however, that the situation could change in the future due to the administering Power's international obligations, including those in the European Union.

Anguillans would not want their interests to be swept aside by the course of events.

35. **The Chairman** pointed out that one of the seminar's results had been the United Kingdom's involvement in dialogue with the Committee on a broadening circle of issues, including the issue of which self-determination options administering Powers were obliged to offer to Non-Self-Governing Territories.

36. **Mr. Tanoh-Boutchoué** (Côte d'Ivoire) asked about civil society's contribution to the "baggage" the representatives of the Anguillan executive authority had taken to their meeting in London with United Kingdom representatives on the constitutional structure of the Territory in the framework of the partnership between the administering Power and its Overseas Territories.

37. **Ms. Fleming-Banks** (Anguilla National Trust) said that unfortunately many decisions affecting Anguilla were not taken on the basis of the partnership but were "passed down" by way of British Orders in Council. That had been the case, for example, with the questions of citizenship and the legalization of homosexuality. Unfortunately, the influence of civil society on what had been discussed in London had been slight, although there was now a desire to change that situation.

38. The seminar had become a kind of watershed, comparable in significance to the Anguillan revolution of 1967. It had enabled Anguillans, having become aware of their self-determination options, to begin to escape the "intellectual intimidation" on the part of the administering Power, which was insisting on the limited choice it had proposed. For example, before her departure for New York there had been a radio phone-in on the three self-determination options. It was to be hoped that the voice of the Anguillan people would be heard.

39. **Mr. Rodríguez Parrilla** (Cuba) noted that, as had been shown by the seminar and statements from petitioners, the Committee was on the right road. Its work was enabling the peoples of Non-Self-Governing Territories finally to become aware of all the self-determination options, so that eventually they could escape from the yoke of colonialism. He urged the petitioner not to lose hope, especially in light of such positive developments as the United Kingdom's involvement in dialogue with the Committee.

40. **Mr. Ortiz Gandarillas** (Bolivia) said that the case of Anguilla was not unique: the peoples of many Non-Self-Governing Territories were poorly informed about their self-determination options. Only seven years remained before the end of the Second International Decade for the Eradication of Colonialism, so the Committee must urgently intensify its educational work. He asked what the petitioner thought the Committee could do in that respect.

41. **Ms. Fleming-Banks** (Anguilla National Trust) said that both organizational and information support was needed, for example in the conducting of campaigns in the mass media, accessing standard-setting documents, etc. However, the question arose as to the extent to which the Committee's readiness to assist depended on the United Kingdom's desire to continue to participate in a dialogue with it.

42. **The Chairman** reaffirmed the Committee's determination to work with the administering Power on broadening the range of options offered to the Non-Self-Governing Territory. The Committee hoped that, after reaching agreement with the administering Power and the Government of Anguilla, it would be able to organize a visiting mission to the Territory before the end of 2003, which should help in disseminating information and moving the process forward.

43. **Mr. Tanoh-Boutchoué** (Côte d'Ivoire) recalled that at the seminar the representative of the United Kingdom had complained of distortions in several meetings on decolonization issues which had appeared in Anguillan newspapers, but one of the representatives of civil society had pointed out that sometimes the local media simply had no access to information. He wondered why the Department of Public Information did not send out the relevant United Nations Radio programmes to local stations as a way of disseminating information about decolonization. For their part, Anguillan journalists could go directly to the Department for information.

44. **The Chairman** recalled that the Committee would soon be having a meeting with the Department of Public Information specifically on those problems. The Department had admitted that no programmes had yet been produced that were specially intended for the small island Non-Self-Governing Territories.

45. *Ms. Fleming-Banks withdrew.*

46. *At the invitation of the Chairman, Ms. Harris (Chamber of Commerce of the Cayman Islands) took a place at the petitioners' table.*

47. **Ms. Harris** (Chamber of Commerce of the Cayman Islands) emphasized that according to a survey of members of the Chamber of Commerce, they did not support the independence option for the Cayman Islands, since they realized that the Cayman Islands had managed to win the trust of foreign investors largely thanks to the stable political and socio-economic situation in the Territory, which had developed over the period of the United Kingdom's governance, and thanks to the legal system that had been established.

48. After 1999, when the United Kingdom had published the White Paper entitled "Partnership for Progress and Prosperity", in which it was proposed that the Overseas Territories make amendments to their local legislation, specifically with regard to the provisions concerning human rights and the regulation of financial services so as to bring them into line with international standards, the Governor had appointed a Constitutional Review Commission, which had submitted a draft constitution that had already been discussed in the Legislative Assembly and forwarded to the Foreign and Commonwealth Office in London. In spite of the efforts that had been made to involve the public in the process, the Chamber of Commerce and its Constitutional Review Task Force had arrived at the conclusion that some segments of Cayman society were not ready for such a discussion or were uninterested in it, and were unlikely to become involved.

49. It should be remembered that the initiative to review the Constitution had not come from the people of the Cayman Islands but from the United Kingdom Government. After expressing concern about some of the provisions in the draft constitution prepared by the Commission, and also about the way it had been drawn up, the people of the Territory had indicated that in principle they had no objection to the adoption of a bill of rights.

50. The United Kingdom Government had indicated that a number of changes had to be effected in keeping with its "international obligations", even if those changes conflicted with the aspirations of the Territory's population. As a result, all submissions and proposals relating to the Anguillan Constitution had invariably been constrained by limitations imposed by the United Kingdom Government at some stage in their consideration, and therefore had not always accurately reflected the desire of the people of the Cayman Islands.

51. For generations the population of the Cayman Islands had been labouring under the impression that as the people of an Overseas Territory it did not have the inalienable right to self-determination and had believed that the wide-ranging powers of the Governor and his prerogative in appointing the Attorney-General were non-negotiable. In his foreword to the White Paper, the Secretary of State for Foreign and Commonwealth Affairs had stated that "the basis for our partnership must be self-determination", and had given to understand that self-determination presupposed a choice: independence or conforming to the will of the United Kingdom, and the population of the Territory had thought it had no other options.

52. The bill on measures to implement a European Union directive on the taxation of savings income, adoption of which, it was felt, could inflict serious damage on the Cayman Islands' financial sector, had been viewed with great concern in the Islands. The Government of the Territory had taken the United Kingdom Government to the Court of First Instance of the European Communities, with specific reference to the right of the Cayman Islands to request the establishment of a partnership working party to discuss the potential implications on the Cayman Islands of the eventual incorporation of the directive in local legislation. The Court, having ruled that it had no jurisdiction to hear the matter in general, had acknowledged that since a request had been received concerning the establishment of a partnership working party and a relevant and appropriate subject matter had been identified for discussion within the framework of such a forum, the convening of such a forum by the Commission was mandatory.

53. Earlier in the year, during the Eurobank affair, the prosecution had been forced to disclose that the United Kingdom Government, by consent of the Governor and with the assistance of MI6, had planted agents into the banking sector and implemented telephone taps. It had also become known that the head of the Cayman Islands Government Financial Reporting Unit had been on the payroll of MI6 and some brief mention had been made of a "London Plan" for the Cayman Islands. In March 2003, the United Kingdom Government had ruled out giving House of Commons representation to its 14 Overseas Territories, including the Cayman Islands, and had stated that it had no plan to reconsider the issue.

54. Consequently, the people of the Cayman Islands now had to take stock of their Partnership for Progress

relations with the United Kingdom Government. In that sense Ambassador Huntley's visit had been fortuitous. He had revealed to the population of the Territory the full meaning of the concept of the inalienable right to self-determination as applied to the Cayman Islands as being a right to self-determination without limitations imposed on the Territory that did not conform to the will of its population.

55. Before the Islands were able to address the issue of self-government in any form, the United Kingdom had to acknowledge that the people of the Cayman Islands had an inalienable right to self-determination. In light of the fact that since 1831 the Territory had successfully governed itself, with little aid from the United Kingdom, and by its own endeavours had achieved tremendous socio-economic progress and was not fiscally dependent on the United Kingdom, and although it felt that the time for its independence had not yet come, it was entitled to request and receive a Constitution that was in keeping with the will of the people of the Cayman Islands, and possibly one that was similar to that of Bermuda.

56. In December 2002, the Cayman Ministers Association had indicated that it approached the issue of the Territory's participation in drawing up a draft constitution with an open mind and accepted the stated intentions of the United Kingdom as genuine and generous in that they gave the Overseas Territories the opportunity to participate fully in the development of their own constitutions. It was hard to believe that the United Kingdom, ignoring the Territory's trusting approach, had made efforts to have the Cayman Islands removed from the United Nations list of Non-Self-Governing Territories.

57. The membership of the Chamber of Commerce had made it clear that it did not want independence. In light of the Constitution's great importance and the ever growing need for it to be modernized, not only to ensure good governance in the Cayman Islands but also to preserve the population, and taking into account the unique achievements on the development level and the Territory's special challenges in that 45 per cent of the population were expatriates, it might be that, after the United Kingdom acknowledged the Cayman Islands' right to self-determination, the issue of the Constitution would really become a priority for the Territory's population.

58. In that connection, she pointed out that although there was a provision in the Cayman Islands' Constitution for the enactment of a referendum law on such matters as were resolved by the Legislative Assembly as being of national importance, no such law had yet been enacted.

59. In conclusion, she expressed her desire to work with the United Kingdom with a view to achieving the aspirations of the population of the Cayman Islands and in the best interests of that Territory.

60. **Mr. Tanoh-Boutchoué** (Côte d'Ivoire) said that whenever the Cayman Islands was mentioned, what was always impressive was the Islands' standard of living, which was comparable with that in London or New York. The question could even be raised of whether it was a colony at all. Nonetheless, the Cayman Islands was included in the list of Non-Self-Governing Territories and sooner or later the decision would have to be made as to the form decolonization would take. It had been apparent from earlier statements, the only option that had been discussed until recently was "independence". He asked what work was being done in the Territory on the other two self-determination options.

61. **Ms. Harris** (Chamber of Commerce of the Cayman Islands) said that her organization had made a proposal to establish a working group in the Islands comprising politicians and representatives of different organizations which would deal with education and awareness-raising in the population. The problem was that the members of such a group would have to be clear in their own minds about what each of the self-determination options amounted to and what it would entail. The administering Power itself had given to understand that it did not have a clear picture of what "free association" would amount to. Talks were under way on the fourth option, providing for any form of autonomy which a Non-Self-Governing Territory could achieve from the administering Power. It was to be hoped that in the impending process the United Kingdom would maintain a working relationship both with the United Nations and with the Cayman Islands.

62. **The Chairman** said that arrangements were being finalized for sending a United Nations visiting mission to the Cayman Islands in October. He asked how the Caribbean regional seminar had influenced discussion of self-determination issues in the Territory.

63. **Ms. Harris** (Chamber of Commerce of the Cayman Islands) said that discussion of such issues had been given an impetus, and another contributory factor

had been that elections were to be held in the Territory the following year. Thanks to the election campaigns by the political parties, the population was now better acquainted both with the work of the Committee and with the subtleties of the relationship between the Territory and the administering Power.

64. **Mr. Ovia** (Papua New Guinea) praised the initiatives taken by the Cayman Islands Chamber of Commerce. Noting that the ratio of persons of Caymanian origin to those of non-Caymanian origin in the Territory was 57:43, he asked whether the non-Caymanians took part in elections and would take part in any referendum on the issue of self-determination.

65. **Ms. Harris** (Chamber of Commerce of the Cayman Islands) explained that the number of persons having the right to vote was 11,000, and they included non-Caymanians. As for participation in a referendum, no one had yet dealt with the question. The Chamber of Commerce had established its immediate objective as the education of the population, without which an informed referendum would be impossible.

66. *Ms. Harris withdrew.*

67. *At the invitation of the Chairman, Ms. Coe (Concerned Citizens of the Cayman Islands) and Ms. Catron (Cayman Islands People for Referendum) took places at the petitioners' table.*

68. **Ms. Coe** (Concerned Citizens of the Cayman Islands) said that preparations for the celebrations to mark the 500th anniversary of the discovery of the Cayman Islands by Columbus had provided the population of the Territory with an occasion to evaluate the Territory's socio-economic achievements and constitutional structure and, above all, to give consideration to the question of what measures the Islands needed to take to lay the foundations of socio-economic development and broader self-government without undermining political stability. The people of the Cayman Islands were quite sure that they did not want independence, but they did want the Cayman Islands to be given a greater degree of autonomy while at the same time remaining a British Overseas Territory.

69. Even though for decades people of the Territory had believed that there were only two self-determination options — outright independence with total responsibility for deciding all aspects of internal and external affairs, on the one hand, and remaining a British colony with the autonomy afforded by the 1972 Constitution, on the other — little by little, and in large part thanks to the efforts of the Committee, the Chamber of Commerce of the Cayman Islands and non-governmental organizations in acquainting the population with the self-determination options, the inhabitants of the Cayman Islands were beginning to have a better understanding of the opportunities provided by the second option. It was hard to judge how aware successive Governments of the Cayman Islands had been with regard to other options — the electorate certainly had had little or no idea about what could be sought from the United Kingdom Government — but in any event no questions had been asked and so the United Kingdom, for its part, had not volunteered any information.

70. Once light had been shed on those questions, the population of the Cayman Islands had begun to insist that the Government put all its cards on the table and ensure that the much-vaunted White Paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories" be turned from a declaration of partnership in name into a basis for genuine partnership in fact, with the Cayman Islands afforded the same conditions as other Territories and able to plan and organize the Territory's political and economic life for the benefit of future generations.

71. Further progress would depend on the extent to which the population of the Cayman Islands had clear information regarding United Kingdom policy on the question of constitutional reform and also the obligations and responsibilities of the United Kingdom's representative (the Governor) in addition to what was stipulated in the Cayman Islands Constitution of 1972.

72. Unfortunately, notwithstanding public comments and the draft Constitution prepared by the Constitutional Review Commission, the draft Constitution presented by the United Kingdom, which was currently the subject of wide discussion in the Cayman Islands, still did not meet the aspirations of the Territory's inhabitants since, in their opinion, excessively wide powers had been given to the Governor, the Territory's population should be given the opportunity to participate in the selection process for key posts, particularly the Attorney-General and members of the judiciary, and it was essential to ensure greater freedom of information and to create an appropriate mechanism for ensuring the electorate's

participation in the affairs of the Cayman Islands through the holding of referenda on specific initiatives and the inclusion of provisions on recalling elected officials, as a result of which the inalienable right to self-determination of the people of the Cayman Islands could cease being a mere empty phrase and instead become a concrete reality.

73. Those were just a few of the measures necessary to achieve democratization of political life in the Cayman Islands, and the Territory's people deserved no less, in view of the obligations and duties of the United Kingdom, as the administering Power, towards the Cayman Islands, as clearly set out in the report of the Secretary-General on the Second International Decade for the Eradication of Colonialism (A/56/61) of 22 March 2001.

74. The solution therefore was for the United Kingdom Government no longer to deprive the Cayman Islands of the opportunity of being placed on no less beneficial a footing as Bermuda, since that would allow the population, if the electorate so desired, to manage their affairs while retaining the Cayman Islands' status as a British Overseas Territory.

75. **Ms. Catron** (Cayman Islands People for Referendum), explaining her organization's primary aims and objectives, said that its basic efforts were directed at having some of the major proposed constitutional changes decided on by the electorate. Her organization was convinced that a referendum was the most effective method of determining the people's wishes, and was trying to get the Government of the Cayman Islands to hold one. In order to ascertain the number of inhabitants who would support a referendum, her organization had drawn up a petition in support of the referendum initiative which had received 7,000 signatures. It was also conducting an educational campaign addressing the specific issues of a referendum.

76. The position of People for Referendum remained unchanged. It was in favour of the inclusion in the Constitution of the Cayman Islands of a provision on the holding of a referendum initiated by the people themselves.

77. Over the past 10 years, public expectations about the level of openness and the degree to which the public should take part in the decision-making process had changed significantly. In most democratic societies, public participation was the mechanism by which the public was not only heard before major decisions were made but also in which it was given the opportunity to influence such decisions from beginning to end of the adoption process. It was accepted that wider public participation fostered a more effective and accountable government. Political figures fully supported the people's right to participate in the democratic process.

78. There had been a time when the Cayman Islands electorate had been afraid of becoming involved in State affairs. People had been uninterested in or fearful of taking a more active role in the country's development. Nowadays Government action was openly discussed and the people were able to take advantage of open forum opportunities to express their views. The population now understood that through the effective use of initiatives, referenda and recall, they could play a more direct role in the process of government.

79. People for Referendum considered that for a referendum to be effective it had to meet the following key criteria: firstly, the referendum had to be held at the initiative of the population and not of the politicians; secondly, the population must have access to all relevant information in accordance with the provisions of freedom of information legislation; and thirdly, referendum decisions had to be binding, and must not be left to be carried out at the discretion of the politicians.

80. **The Chairman** said that both in the statements that had been made and in the course of his meetings in the Cayman Islands the idea had repeatedly been expressed that the Cayman Islanders did not want independence. The question arose as to why, considering the Territory's economic well-being. He asked whether the inhabitants' views on self-determination had ever been ascertained by means of either a questionnaire or a head count.

81. **Ms. Coe** (Concerned Citizens of the Cayman Islands) acknowledged that there were people in the Cayman Islands who did want independence for the Territory. But the overwhelming majority were not seeking it, as they realized that the Islands' resources were limited and that resolving all the Territory's problems independently was not feasible.

82. **Ms. Catron** (Cayman Islands People for Referendum) said that as far as she knew the Chamber of Commerce of the Cayman Islands had conducted an

unofficial survey of public opinion. There really were people in the Territory who did not dismiss the "independence" option but even they understood that it would not become a reality in the short term and that to bring it about there would have to be careful planning and educational work.

83. **Mr. Ovia** (Papua New Guinea) asked whether the possibility of a referendum on self-determination options was being discussed in the Territory. Also, with regard to the idea expressed in one of the statements about remaining a British Overseas Territory, he said that maintaining colonial status was not regarded as an option by the Committee. The choice was: independence, integration, or free association.

84. **Ms. Catron** (Cayman Islands People for Referendum) stressed the importance of a referendum and the need for it to be constitutionally consolidated in the Cayman Islands. The institution of the referendum was important not only for the issue of self-determination but for other topical issues too. She had no accurate statistics but it was her experience that people were now more prepared to consider options for the Territory to expand its autonomy.

85. **Mr. Ortiz Gandarillas** (Bolivia) remarked on the high standard of living in the Cayman Islands which possibly explained why the majority of the inhabitants of the Islands did not want independence. He also noted that the process under way in the Territory was to amend the existing Constitution, and that that had its limitations. Also he wondered what the fourth self-determination option mentioned in one of the statements was.

86. **The Chairman** asked the Committee to bear in mind that the process in the Cayman Islands had only just begun. As for the fourth option, it was in his opinion little different from the "free association" option, which was sufficiently broad and flexible. In the previous week the Secretariat had been asked to look into that matter.

87. **Ms. Catron** (Cayman Islands People for Referendum) said that the standard of living probably played no small role in the way people regarded the choice — to be or not to be independent. But one should not forget that nearly half the inhabitants of the Territory were of non-Caymanian origin. Also, no statistically accurate questionnaire had yet been conducted, and in any event, as had already been said, the prime need was to educate the population before more specific opinions were expressed.

88. **The Chairman** expressed the hope that at the appropriate stage the population of the Cayman Islands would be given the opportunity to choose from among all the existing options.

89. *Ms. Coe (Concerned Citizens of the Cayman Islands) and Ms. Catron (Cayman Islands People for Referendum) withdrew.*

Omnibus draft resolution

90. **The Chairman** informed the Committee that consultations on a draft resolution on the agenda item under consideration were continuing. He therefore suggested that consideration and action on the draft resolution be postponed to a later stage of the Committee's work.

91. *It was so decided.*

Question of New Caledonia (A/AC.109/2003/7 and A/AC.109/2003/L.10)

92. **The Chairman** drew the Committee's attention to the working paper on the question under consideration which had been prepared by the Secretariat (A/AC.109/2003/7).

93. **Mr. Ovia** (Papua New Guinea), introducing the draft resolution on the question of New Caledonia (A/AC.109/2003/L.10), said that the draft essentially reproduced the text of the previous year. All that had been added were technical clarifications and references to events that had taken place in the intervening period. He mentioned the possibility of the Committee having to return to the resolution if amendments were required as a result of the discussions at the meetings to be held in the summer in the Pacific Ocean region.

94. *Draft resolution A/AC.109/2003/L.10 was adopted without a vote.*

The meeting rose at 1 p.m.